

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



ISAIAH THOMAS NEW

Plaintiff,

v.

25-CV-578 (JLS)

OFFICER WILLIAM C. MACY,
OFFICER JOSEPH R. HASSETT,
RJ, JOAN DOE, TEMPLE BETH ZION,
BUFFALO POLICE DEPARTMENT,
and THE CITY OF BUFFALO,

Defendants.

DECISION AND ORDER

On July 2, 2025, *Pro se* plaintiff Isaiah Thomas New filed a Complaint pursuant to 42 U.S.C. § 1983. Dkt. 1. He also filed a motion for leave to proceed *in forma pauperis* (“IFP”), Dkt. 2, and a motion for a preliminary emergency injunction. Dkt. 4. He sues Officer William C. Macy (Badge P3417), Officer Joseph R. Hassett (Badge 962), “RJ”, Joan Doe, Temple Beth Zion,¹ and the Buffalo Police Department. *See* Dkt. 1.

Plaintiff alleges that he is an African American man and that, on June 28, 2024, he entered Temple Beth Zion to attend a Shabbat service and Torah study. *See id.* at 2.² He further alleges that the Defendant police officers asked him to

¹ Plaintiff provided an address for Temple Beth Zion.

² Page numbers refer to the CM/ECF numbering in the header of each page.

leave and then applied physical force to him. *See id.* Plaintiff asserts various claims, including: (1) Violation of First Amendment Rights – Freedom of Religion; (2) Violation of Fourth Amendment Rights – Unreasonable Seizure; (3) Excessive Force; (4) *Monell* Claim; (5) Conspiracy to Violate Civil Rights; (6) Assault and Battery; (7) False Arrest; and (8) Intentional Infliction of Emotional Distress. *See id.* at 1-8.

Because Plaintiff satisfied the statutory requirements of 28 U.S.C. § 1915(a), his [2] motion to proceed IFP is granted. In addition, the Court concludes that the Complaint presents “colorable claims” and, therefore, shall proceed to service. *See Benitez v. Wolff*, 907 F.2d 1293, 1295 (2d Cir. 1990) (“Where a colorable claim is made out, dismissal is improper prior to service of process and the defendants’ answer”); *Pino v. Ryan*, 49 F.3d 51, 53 (2d Cir. 1995) (explaining that dismissal under Federal Rule of Civil Procedure 12(b)(6) still may be appropriate notwithstanding a court’s earlier finding that the complaint was not “frivolous” for purposes of section 1915(e)(2)).

In accordance with *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d. Cir. 1997), the Court requests that, by **July 11, 2025**, the City of Buffalo Corporation Counsel ascertain the full names, with correct spelling, and last known service addresses of Officer William C Macy (Badge P3417), and Officer Joseph R Hassett (Badge 962), as well as a current service address for the Buffalo Police Department and the City of Buffalo. The City need not undertake to defend or indemnify these individuals at this juncture.

The City shall file the *Valentin* response electronically in CM/ECF by selecting “*Valentin* Response” under “Discovery Documents.” Once this information is provided, the Clerk of Court shall issue summons and cause the United States Marshals Service (“USMS”) to serve Officer William C Macy (Badge P3417), Officer Joseph R Hassett (Badge 962), the Buffalo Police Department, and the City of Buffalo with copies of the summons, complaint, motion for Preliminary Emergency Injunction, and this order. Any unpaid service fees are recoverable by the USMS if this action terminates by monetary award in Lankton’s favor.

If the *Valentin* response contains personally identifiable information such as a home address, this contact information shall be given to the USMS solely for the purpose of effecting service and otherwise will remain confidential.

Lastly, by **July 11, 2025**, Plaintiff shall file a letter providing the full names, with correct spelling, and last known service addresses of Defendants “RJ” and “Joan Doe.” In the alternative, Plaintiff shall advise the Court whether he wishes to discontinue the action against those defendants. *See Edwards v. Dow Ctr.*, No. 23-CV-4850-DG-JRC, 2023 WL 7351103, at *1 (E.D.N.Y. Oct. 6, 2023) (“a plaintiff proceeding *in forma pauperis* must provide the Court with an accurate address for service of process in order for the Court to have service effected on plaintiff’s behalf”).

ORDER

IT HEREBY IS ORDERED that Plaintiff's [2] motion to proceed IFP is granted; and it is further

ORDERED that Plaintiff's Complaint (Dkt. 1) shall proceed to service; and it is further

ORDERED that, **by July 11, 2025**, the City of Buffalo Corporation Counsel shall ascertain the full names, with correct spelling, and last known service addresses of Officer William C Macy (Badge P3417), and Officer Joseph R Hassett (Badge 962), as well as current service addresses for the Buffalo Police Department and the City of Buffalo, and file that information electronically, using "*Valentin Response*" under "Discovery Documents" in CM/ECF; and it is further

ORDERED that, once the information regarding Defendants' addresses is provided, the Clerk of Court shall issue summonses for Officer William C Macy (Badge P3417), Officer Joseph R Hassett (Badge 962), the Buffalo Police Department, and the City of Buffalo, and shall cause the United States Marshal to serve the summons, the complaint (Dkt. 1), the motion for a Preliminary Emergency Injunction (Dkt. 4), and this order upon the named Defendants forthwith, with any unpaid service fees recoverable by the USMS if this action terminates by monetary award in Plaintiff's favor; and it is further

ORDERED that, **by July 11, 2025**, Plaintiff shall file a letter providing the full names, with correct spelling, and last known service addresses of Defendants

RJ and Joan Doe or, in the alternative, advise the Court that he wishes to discontinue the action against those defendants; and it is further

ORDERED that, once the information regarding Defendants RJ and Joan Doe is provided, the Clerk of Court shall issue summonses for these Defendants, and shall cause the United States Marshal to serve the summons, the complaint (Dkt. 1), the motion for a Preliminary Emergency Injunction (Dkt. 4), and this order upon them, with any unpaid service fees recoverable by the USMS if this action terminates by monetary award in Plaintiff's favor; and it is further

ORDERED that the Clerk of Court shall forward a copy of the Complaint (Dkt. 1), the motion for a Preliminary Emergency Injunction (Dkt. 4) by mail to Cavette Chambers, City of Buffalo Corporation Counsel, 65 Niagara Square, Room 215, Buffalo, NY 14202; and it is further

ORDERED that Defendants shall respond to the [4] motion for a Preliminary Emergency Injunction by **August 1, 2025**; and it is further

ORDERED that, the parties shall appear for oral argument on **August 7, 2025, at 9:00 a.m.** in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr.

SO ORDERED.

Dated: July 3, 2025
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE